

**REMARKS**

Please do not enter the Amendment After Final dated May 17, 2010, but instead, please enter the present Preliminary Amendment.

**Status of the Claims**

Claims 48-53, 57, 58 and 69-74 are pending in the present application. Independent claims 48 and 58 are amended, and these amendments do not add any new matter. Claim 54 is canceled (its language now being included in independent claims 48 and 58), and new independent claim 74 is added, which corresponds to apparatus claim 58, and also does not add any new matter. It is respectfully submitted that claim 74 is consonant with the previously-elected claims.

**Response to Rejections**

Claims 48, 49, 51-53, 57, 58, 69-71 and 73 were rejected as allegedly anticipated by Ishigouoka et al., U.S. Patent No. 6,146,035. Claims 50, 54 and 72 were rejected as allegedly obvious from Ishigouoka et al. in view of Konishi et al., US 2002/0085870. The Office action indicated the Applicant's previous remarks were not persuasive, in part because the language recited in Applicant's claims was considered to read as intended use of the recited structure. Claims 48 and 58 are amended to include additional structural limitations to further differentiate the claims from Ishigouoka, alone or in combination with Konishi. Ishigouoka does not disclose a print head and a cutting mechanism, wherein when the print head is operated, the print head prints an image, the print head prints a first background for one label and a different, second background for a second label, with a region within which the first and second backgrounds meet to provide one of a blend between the first and second backgrounds and a boundary between the first and second backgrounds that is unclear; and the cutting mechanism provides a cut on either

side of the region. Even if combined or modified according to Konishi, the resulting combination would not satisfy the language of Applicant's amended claims 48 or 58.

Independent claims 48 and 58 are further amended to recite that at least one of the cuts is a partial cut, and to include the language of claim 54 (now canceled). The term "partial cut" is described in the specification, for example on page 24, lines 10-13, and does not add any new matter. Claims 48 and 58, as amended, recite that the printing of the second background is commenced on one side of a partial cut and continued on the other side of the partial cut. This is discussed in the specification at page 26, lines 20-22, and illustrated as steps S2 and S3 of Figure 22, and thus does not add any new matter.

It is respectfully submitted that the Ishigouoka reference is silent as to any partial cuts. There is no disclosure in Ishigouoka that the cutter 6 is able to perform partial cuts. It follows that the Ishigouoka is also silent as to the specific feature of providing a partial cut on one side of a region within which printed first and second backgrounds meet.

In Ishigouoka, the piece of paper 310 is a scrap of paper that is unconnected to any printed image. When cut from the tape, this scrap of paper must be collected by a user to be disposed, which is inconvenient. The scrap of paper 310 may also clog up the printer, resulting in the printer malfunctioning.

In contrast, according to Applicant's claimed invention, the partial cut is present in the image receiving medium prior to the printing of the background for the second label, and the claimed "region" is connected to the second label. As such, the "region" is not at risk to fall into the mechanism of the printer, and a user need not make a special effort to manually collect it. Moreover, providing such a partial cut makes it easier for a user to peel the second label from its backing layer, such as by bending the tape at the partial cut.

As to the proposed combination or modification of Ishigouoka in view of Konishi, although Konishi teaches that partial cutting is possible, there is no teaching or suggestion in Konishi of (a) providing a partial cut in a medium, (b) starting printing an image on one side of the partial cut, and then (c) continuing printing of the image on the other side of the partial cut. Neither Ishigouoka nor Konishi, alone or in combination, discloses printing an image across a cut. Thus, the combination of references does not result in the Applicant's claims 48 or 58, as amended, nor in any claims depending therefrom.

In addition, it is respectfully submitted that a person of ordinary skill in the art would not make cut C2 of Ishigouoka (see Fig. 10 of that reference) a partial cut, inasmuch as the disclosed printer relies on cut C2 being a full cut in order to subsequently sense the end of the tape to position the tape. Even if, *arguendo*, cut C1 in Ishigouoka (Fig. 10 of that reference) was made a partial cut instead of a full cut, cut C1 is performed after the image with length L2 is printed onto the tape. Indeed, as best understood, the printer of Ishigouoka is programmed specifically to only carry out cuts after printing, and thus is not capable of performing cuts to a tape prior to printing over a cut portion.

It is therefore respectfully submitted that the claims are in condition for allowance, and the Examiner's favorable reconsideration is respectfully solicited.

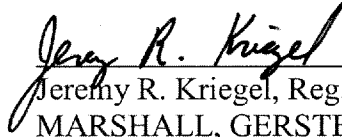
It is believed that no fees are due in connection with the present Amendment, other than the extension of time fees and RCE fees submitted herewith. However, in the event any additional fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Preliminary Amendment Accompanying RCE, dated July 16, 2010

Response to final office action mailed March 16, 2010

Date: July 16, 2010

Respectfully submitted,

A handwritten signature in cursive script, reading "Jeremy R. Kriegel", is written over a horizontal line.

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